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MINISTRY OF STATES

NOTIFICATION

New Delhi, the 12th September, 1947

No 48/IB. In exercise of the powers conferred by section 4 of the Extra Provincial Jurisdiction Ordinance, 1947, and of all other powers enabling it in that behalf the Central Government is pleased to make the following Order :

This Order may be cited as the Kathiawar and Gujarat States Administered Areas (Application of Laws) Order, 1947.

2. In this Order Administered Areas mean the estates and territories in Kathiawar and Gujarat included in the following Thana circles : -

Babra.
Dhrafa.
Lakhapadar.
Dedan.
Wadhwan Bhoika.
Chotila.
Dasada.
Jhinjhuwada.
Chok Datha.
Songadh.
Paliad.
Kankrej.
Varahi.
Deodar (Suigam).
Santalpur.
Pandu Mewas.
Sunkheda Mewas.
Katosan.
Gadhvada.

“ The Central Government ” includes any person or persons acting under the authority of the Central Government.

“ Regional Commissioner ” means the Regional Commissioner for the States in Kathiawar and Gujarat.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the administered areas subject to any amendment to which the enact-

(1108 A)

ments are for the time being generally subject to in the territories to which they extend the modifications and restrictions specified in the second column of the Schedule and the provisions of this Order.

4. References in the Schedule to this Order to any regulation or to any Act of the Central Legislature passed before the date of this Order shall be deemed to be references to that regulation or Act as adapted or modified by any Order by the Governor General under the Indian Independence Act, 1947.

5. Enactments applied by this Order shall except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3 but before making the modification referred to in paragraph 4 be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the table hereunder printed were references to the authorities, gazette, and territories respectively mentioned opposite thereto in the second column of the said table.

TABLE

1. Central Government, or Governor General.	The Central Government.
2. The Provincial Government, Governor or Chief Controlling Revenue Authority.	The Regional Commissioner for States.
3. Government	The Central Government or the Regional Commissioner for States as the text may require.
4. High Court	Court of the Judicial Commissioner in Kathiawar and Gujarat.
5. Collector	The Regional Commissioner for States or the Deputy Regional Commissioner for States.
6. Official Gazette	Official Gazette of the Central Government or as the case may be of the Regional Commissioner for States.
7. British India, any Province in British India or any part thereof.	The administered area or areas to which the enactments wherein the expression occurs have been applied.

6. A direction in the Schedule to this Order, that an enactment or portion of any enactment shall stand unmodified shall be regarded as a direction that it is not to be construed in accordance with the provisions of paragraph 5.

7. Any court may construe the provisions of any enactment applied by this Order and of any modification, orders, bye-laws, rules and regulations made or issued thereunder, with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the court.

SCHEDULE

Enactments applied.

Modifications and restrictions.

Act of the Central Legislature.

- | | |
|---|---|
| 1. The Interest Act, 1839 (XXXII of 1829). | |
| 2. The Indian Penal Code, 1860 (XLV of 1860). | 1. In clause second of section 21 the words "British India" shall stand unmodified. |

Enactments applied

Modifications and restrictions

2. In section 55 for "Provincial Government of the Province" substitute "Central Government or the Regional Commissioner for the States in Kathiawar and Gujarat".
 3. Section 75 shall stand unmodified.
 4. In section 121-A the second "British India" shall stand unmodified and after "any part thereof" insert "or of the jurisdiction of the Central Government in the administered areas".
 5. In section 124 for "British India" substitute "British India or the Administered Areas" and after British Burma insert "or towards the Ruler of or the administration established by law in, any State in which the Administered Areas are situate".
 6. In section 271 the words "Central Government" shall stand unmodified.
 7. In section 361 at the end of the explanation add:—
"and where no person is so entrusted to the care and custody of such minor or other person the latter shall be deemed to be taken out of the keeping of his lawful guardian without consent of such guardian if he is removed beyond the territorial limits of any State or Taluka without the consent of the authority exercising jurisdiction in such State or Talukas."
3. The Press and Registration of Books Act.
4. The Cattle Trespass Act, 1871. (1) Omit sub-section (2) of section 1.
(2) In section 6 for "Provincial Government" substitute "Magistrate of the District".
5. Indian Evidence Act, 1872 (I of 1872). (1) Omit the last sentence of section 1.
(2) In section 57 for "clause 1" substitute "1. All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India or in any area outside British India now administered by the Central Government."
(3) In sections 74 and 79 the expression "British India" shall be read as referring to "British India and the areas outside British India under the administration of the Central Government."
6. Indian Contract Act, 1872 (IX of 1872). Omit the second sentence of section 1 and the second paragraph of section 21.
7. Indian Majority Act, 1875 (IX of 1875). (1) Omit the second sentence of section 1.
(2) In section 3 for "British India" substitute "British India or the administered areas".
8. Government Savings Bank's Act, 1873 (V of 1873). (1) In section 1 omit the words "it extends to the whole of British India".
(2) In section 4 for the words and figures "Succession Certificates Act, 1889" the words and figures "Indian Succession Act, 1925, or under any other analogous law or rules in force" shall be substituted and the words "Central Government" shall stand unmodified.
(3) In sub-section 13 for the words and figures "1905 section 4" the words and figures "1925 section 20" shall be substituted.

Enactments applied.	Modifications and restrictions.
9. Negotiable Instruments Act, 1881 (XXVI of 1881).	All references to the Central Government shall be construed as referring to the "Regional Commissioner for States".
10. The In-lieu Explosives Act, 1884.	(1) Section 2 shall be omitted. (2) In sections 5 and 7, for the words "Central Government" the words "the Central Government or the Regional Commissioner for States with the previous sanction of the Central Government" shall be substituted. (3) In section 9 for the words "Central Government" the words "Regional Commissioner for States" shall be substituted. (4) In clauses (a) and (b) of section 14 for the words "any Government in British India" the words "the Central Government or the Regional Commissioner for States" shall be substituted. (5) In section 15 for the words and figures "The Indian Arms Act, 1878" the words "any Arms Rules in force in the Administered Areas" shall be substituted, and for the words "the said Indian Arms Act" the words "the said Arms Rules" shall be substituted.
11. Indian Telegraph Act	(6) In section 18, sub-sections (1) to (4) shall be omitted. (1) Omit sub-sections 2 and 3 of section 1 and section 2. (2) In sub-section 1 of section 4 omit the words "on ships within Indian territorial waters" and the words "or Indian territorial waters". (3) Omit section 34.
12. The Provincial Small Cause Courts Act, 1887.	(1) In section 1 omit sub-section (3). (2) Omit section 2
13. The Revenue Recovery Act, 1890	For section 8 substitute "8. The provisions of this Act shall also apply to the recovery in the administered areas of any arrear of land revenue or sum recoverable as arrears of land revenue payable to Collector or any other public officer or to local authority in any part of British India or in any local area which is not part of British India but which is under the administration of the Central Government and to which the Revenue Recovery Act, 1890, has been applied."
14. The Banker's Book Evidence Act.	(1) In section 1 omit sub-sections (3) and (4). (2) Omit section 2 and the proviso to section 6. (3) In sections 46, 47 and 59 for "Provincial Government" substitute "the Regional Commissioner for the States" Omit sub-section 2 of section 1 and section 2 (a).
15. The Prisons Act, 1894 (I of 1894).	(1) In section 1 omit sub-sections (3) and (4). (2) Omit section 2 and the proviso to section 6. (3) In sections 46, 47 and 59 for "Provincial Government" substitute "the Regional Commissioner for the States" Omit sub-section 2 of section 1 and section 2 (a).
16. The Epidemic Diseases Act.	Omit sub-section 2 of section 1 and section 2 (a).
17. The General Clauses Act, 1897 (X of 1897).	(1) Sections 3, 4 and 4-A shall stand unmodified provided that for the interpretation of any enactment in the administered areas the definitions contained in these sections shall be applicable only after effect has been given to any modifications, restrictions or rules of construction prescribed in respect of the enactment by this Order. (2) Sections 5 and 6-A shall be omitted.
18. The Code of Criminal Procedure, 1898 (Act V of 1898).	(1) In section 1 omit the words "and it shall come into force on the first day of July 1898" and the words from "or shall apply" to the end of the section. (2) Omit clause (g) of sub-section (1) section 4. (3) In section 9 at the end of sub-section (3), insert "either generally or for trial of particular cases". (4) Omit sections 22 and 23. (5) In section 30 omit the words from the beginning to "Assistant Commissioners". (6) In sub-section (2) of section 45 the words "Central Government" shall stand unmodified.

Enactments applied

Modifications and restrictions

- (7) In section 197 for clauses (a) and (b) of sub-section (1) substitute " of the Regional Commissioner "; in sub-section (2) for the words from the beginning to " individual judgment " substitute " the Regional Commissioner " and omit sub-section (3).
- (8) Omit section 266.
- (9) Trials before the Court of Session shall, except as provided by Chapter XXXII, be with the aid of assessors of whom three or more shall be chosen, as the Judge thinks fit, from a list prepared in accordance with the directions of the " Regional Commissioner for States ".
- (10) At the end of section 423 add the following sub-section—
“(3) Every order of a Sessions Judge on an appeal from a sentence or order of a District Magistrate shall be subject to confirmations by the Judicial Commissioner for Kathiawar and Gujarat; and the Judicial Commissioner when such an order is submitted, may either confirm the same with or without further enquiry or pass any other order which the Court of Session could have passed”.
- (11) In sub-section (1) of section 503 after " such attendance and " insert " if such witness resides in British India or in any area to which this code has been applied "; and sub-section (2) shall stand unmodified.
- (12) Omit sub-section (4) of section 526.
- (13) Section 565 shall stand unmodified.
19. Indian Post Office Act, 1898 (VI of 1898).
(1) Omit sub-sections (2) and (3) of section 1.
(2) In section 2 in clause B except in the proviso in clause D the words " Central Government " shall stand unmodified.
(3) In section 7 omit the proviso to sub-section 1 and for sub-section (2) substitute " Unless and until such notification as aforesaid is issued, the rates chargeable for the time being in British India shall be the rates chargeable under this Act.”
20. The Prisoners Act, 1900 (III of 1900).
(4) Omit Chapter VIII and the First Schedule.
(1) Omit sub-section (2) of section I and Part III.
(2) In section 15 the words " outside the Presidency towns " shall be omitted.
(3) Clause (a) of sub-section (1) and sub-section (2) shall stand unmodified; and
(4) In clause (c) of sub-section 1 for " Provincial Government " substitute " Regional Commissioner for States either " and after " warrant " insert " or in the case of any class of such sentences, orders or warrants specified in a notification issued in this behalf by the Regional Commissioner for States ”.
(5) In sub-section 1 of section 29 the second " Provincial Government " shall stand unmodified and for " any other Province " substitute " any Province in British India ”.
(6) Omit Part VIII and section 49.
21. The Code of Civil Procedure, 1898 (Act V of 1898).
(1) Omit sub-sections 2 and 3 of section 1.
(2) In clause 5 of section 2 and section 10 the words " British India " shall be read as referring to " British India and the administered areas " and the words " Central Government " shall stand unmodified.
(3) To proviso to section 29 after the word " summons " insert " and situate in British India or ”.
(4) The provisions of paragraph 2 and of Order XXI relating to the execution of decrees shall be applied with such modifications as may be necessary.
(5) In section 43 for " to which the provisions relating to execution do not extend " substitute " all the administered areas " and for " in British India " substitute " the administered areas ”. Save as aforesaid the section shall stand unmodified.

Enactments applied	Modifications and restrictions
	<p>(6) In section 44 for " Provincial Government " substitute " Central Government " and the words " Central Government " shall stand unmodified.</p> <p>(7) In section 45 after " any court " insert " situate in British India or "; and the words " Central Government " shall stand unmodified.</p> <p>(8) For clause B substitute " B. Courts situate in British India or in any other part of British India ".</p> <p>(9) In sub-section (1) of section 85 for " Government " substitute " Governor General " and omit the explanation.</p> <p>(10) In sections 91 to 93 the references to the " Advocate General " shall be read as referring to " (i) the District Judge, Kathiawar in Kathiawar " and " (ii) the Deputy Regional Commissioner, Sabar Kantha in the Sabar Kantha area ".</p>
	FIRST SCHEDULE
	<p>(11) After " rule 25 of Order 25 " add " provided that if the defendant resides in British India the summons may be sent for service to a court (not being a High Court) having jurisdiction at the place where he resides, and if the court returns the summons with an endorsement signed by the Judge or other officer of the court that the summons had been served on the defendant in manners heretofore directed such endorsement shall be deemed to be evidence of the service ".</p> <p>(12) The provisions of rule 48 of Order 21 shall apply only to those cases in which the salary or allowances are payable in the administered areas.</p> <p>(13) In rule 49 of Order 21 the words " British India " shall be read as referring to " British India and the administered areas ".</p> <p>(14) Rule 8 (b) of Order 27 shall stand unmodified.</p>
22. Explosive substances Act (VI of 1908).	<p>(1) Omit sub-section (2) of section 1.</p> <p>(2) In section 4 for " British India " substitute " India ".</p>
23. The Courts Societies Act, 1912 (II of 1912).	<p>(1) In section 1 for sub-section (2) substitute " (2). It extends to the following Thana circles, namely :—</p> <p>(i) Kankrej,</p> <p>(ii) Decdar,</p> <p>(iii) Varahi,</p> <p>(iv) Santalpur, and</p> <p>(v) Jabthi.</p> <p>estates under these thanas.</p> <p>(2) In section 19 for the words " from in respect of land revenue to recoverable as rent " substitute " in respect of Crown dues or of the Agency funds or in respect of contributions, loans or takavi or any money recoverable as land revenue from the Talukdar."</p> <p>(3) References to the " Registrar " shall be construed as references to the " Deputy Regional Commissioner."</p>
24. The Indian Lunacy Act, 1912.	<p>(1) Omit sub-section (2) of section 1.</p> <p>(2) In clause 1 of section 3 for " any Government in British India " substitute " the Central Government and the administered areas, and includes asylums or mental hospitals for lunatics established or licensed by any Government in British India ".</p> <p>(3) Sections 14, 15 and 67 shall be subject to the proviso that if a lunatic is an inhabitant of a State in India the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and in the case of an Order under section 67 with the consent of the person on whose application imposition was instituted.</p>

Enactments applied

Modifications and Restrictions

- (4) Omit section 17 altogether.
- (5) In section 85 for "in any Province" substitute "in the administered areas"; for "any other Province" substitute "any Province in British India"; for "Order of the Provincial Government" substitute "Order of the Central Government or Regional Commissioner for States".
- (6) Omit sub-section (2) of section 89-A and section 89-B.
- (7) In clause A of section 91 (1) omit the words "under this Act".
- (8) Any First Class Magistrate may perform the functions of a Magistrate under this Act and may send lunatics found within the limits of his jurisdiction to the Ahmedabad Mental Hospital.

The Post Office Cash Certificates Act, 1917 (XVIII of 1917).	In sub-section (1) of section 2, the words "Central Government" shall stand unmodified.
The Cinematograph Act, 1918 (II of 1918).	Sub-sections (2) and (3) of section 1 shall be omitted.
The Provincial insolvency Act, 1920 (V of 1920).	Omit Sub-section (2) of section 1.
The Indian Securities Act, 1920 (X of 1920).	(1) Omit sub-sections (2) and (3) of section 1. (2) In clause (a) of section 2, the word, "Central Government" and "Provincial Government" shall stand unmodified.
The Indian Income-tax Act, 1922 (XI of 1922).	(1) In clause (8) of section 2 for "Central Government" substitute "Regional Commissioner for States". (2) Only so much of the Act shall apply as relates to the assessment and collection of income-tax on salaries received by persons who are in service of, and paid by, or on behalf of, the Crown or local authority established in the exercise of the powers of the Central Government. (3) Reference to the Commissioner of Income-tax shall be read as referring to the Commissioner of Income-tax, Bombay, appointed under section 5 of the Act as in force in British India.
The Indian Official Secrets Act, 1923 (XIX of 1923).	(1) Omit sub-section (2) of section 1. (2) Clause (1A) of section 2 shall stand unmodified. (3) In sub-section (1) of section 8 and sub-section (2) of section 10 after the words "an Inspector-General" the words "or Deputy Inspector-General" shall be inserted. (4) In section 13— (a) In sub-sections (1) and (3), for the words "appropriate Government" wherever they occur substitute "Regional Commissioner for States" and (b) omit sub-section (5).
The Indian Soldiers (Litigation) Act, 1925 (IV of 1925).	(1) Omit sub-sections (2) and (3) of section 1. (2) In section 13 for "Central Government" substitute "Regional Commissioner for States". (3) In section 14 omit from the beginning to "in other cases".
The Provident Funds Act, 1925 (XIX of 1925).	(1) Omit sub-sections (2) and (3) of section 1. (2) In sub-sections (1), (2) and (3) of section 8 for "appropriate Government" substitute "Regional Commissioner for States" and omit sub-section (4).
The Indian Succession Act, 1925 (XXXIX of 1925).	(1) References to a Court of Ward shall be read as referring to Regional Commissioner for States or the Deputy Regional Commissioner for States, Rajkot.

Enactments applied

Modification and Restrictions

(2) Omit sections 11, 57, in section 58 the words "save as provided by section 57", sub-section (2) of section 204 and Schedule III.

(3) For section 382 substitute—

"382. Where a certificate in the form of the Eighth Schedule to this Act has been granted by a Court having jurisdiction under the Act in British India, or under the Act as applied in any area outside British India which is under the administration of the Central Government; or where a certificate has been granted to a subject or resident within a State in Kathiawar and Gujarat by Deputy Regional Commissioner for States having jurisdiction, on the production by such subject or resident of a certificate granted to him by a State Court; or where a certificate so granted has been extended; the certificate shall, if it has been stamped, in accordance with the law in force in the Administered Areas, have the same effect as certificates granted or extended under this Act."

The Cotton Industries
(Statistics) Act, 1926 (XX
of 1926).

(1) Omit section 5.

(2) In sections 6 and 8 for "Provincial Government" substitute "Regional Commissioner for States" with the previous approval of the Central Government.

The Dangerous Drugs Act, 1930
(II of 1930).

(1) Omit sub-sections (2) and (3) of section 1.

(2) For clauses (i) to (m) of section 2 substitute—

"(i) 'to import into the Administered Areas' means, subject to the provisions of clause (j), to bring into any one of the Administered Areas by land, sea or air;

(j) 'to import inter-provincially' means to bring into any one of the Administered Areas from any other Administered Area or from any province of British India and includes—

(i) the bringing of a dangerous drug into any one of the Administered Areas from any Indian State which the Central Government may, by notification in the Official Gazette, declare to be inter-provincial import; and

(ii) bringing into any one of the Administered Areas from any other Administered Area or from any other Province of British India in the course of a continuous journey by sea or through an Indian State;

(k) 'to export from the Administered Areas' means, subject to the provisions of clause (l), to take out of any one of the Administered Areas by land, sea or air;

(l) 'to export inter-provincially' means to take out of any one of the Administered Areas into any other Administered Area or into any province of British India and includes—

(i) the taking of a dangerous drug out of any one of the Administered Areas into any Indian State which the Central Government may, by notification in the Official Gazette, declare to be inter-provincial export; and

(ii) taking out of any one of the Administered Areas into any other Administered Area or into any province of British India in the course of a continuous journey by sea or through an Indian State;

(m) 'to transport' means to take from one place to another in the same Administered Area and".

Enactments applied	Modifications and restrictions
	<p>(3) In sub-section (2) of section 8 for the words "Provincial Government" where they occur for the first time substitute "Regional Commissioner for States subject to the control of the Central Government".</p> <p>(4) In section 31 for "appropriate Government" substitute "Regional Commissioner for States" and omit the second sentence.</p> <p>(5) In section 35 omit the words from the beginning to "with other offences".</p>
The Indian Sale of Goods Act, 1930 (III of 1930).	<p>(1) Sub-sections (2) and (3) of section 1 shall be omitted.</p> <p>(2) In section 58, after the figures "1877" the words "or subject to any other analogous law or rules in force" shall be inserted.</p>
The Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931).	<p>(1) Omit sub-section (2) of section 1, clause (3) of section 2, the words "or Chief Presidency Magistrate" in clause (4) of section 2, the words "Presidency Magistrate" wherever they occur in sections 16 and 17, section 24, sub-sections (3) and (4) of section 25 and the words "in a Presidency-town, before the Chief Presidency Magistrate, and elsewhere" in section 32.</p> <p>(2) In section 20 for "The Chief Customs Officer or other officer" substitute "Any Officer".</p> <p>(3) In sub-sections (1) and (2) of section 25 for "Special Bench" substitute "Court of the Judicial Commissioner".</p> <p>(4) For section 27 substitute— "27. The Court of the Judicial Commissioner may direct by whom the costs of such applications shall be paid and may assess the amount of such costs."</p> <p>(5) All references to a sub-Inspector of Police shall be read as referring to a Chief Constable.</p>
The Indian Partnership Act, 1932 (IX of 1932).	<p>(1) Omit sub-sections (2) and (3) of section 1, Chapter VII, in section 72 the words from "(a) where it relates" to the "(b) in any other case", section 73 and the Schedules.</p> <p>(2) In sub-section (1) of section 71 for "Provincial Government" substitute "Central Government"; in sub-section (2) omit "also"; and in sub-section (3) for "this section" substitute "sub-section (2)".</p>
The Indian Wireless Telegraphy Act, 1933 (XVII of 1933).	<p>(1) Throughout the Act for "Central Government" substitute "Regional Commissioner in States".</p> <p>(2) Omit sub-sections (2) and (3) of section 1;</p>
The Indian States (Protection) Act, 1934 (XI of 1934).	<p>(1) Sub-sections (2) and (3) of section 1 shall be omitted;</p> <p>(2) In section 2 for the words "or without British India" read the words "Administered Areas".</p> <p>(3) The words "or in a Presidency town the Chief Presidency Magistrate" in sub-section (1) of section 4 and sub-section (1) of section 5 shall be omitted.</p> <p>(4) The words "or Presidency Magistrate" in sub-section (4) of section 5 shall be omitted;</p> <p>(5) For the existing section 7 the following section shall be substituted, namely:— "7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from, the Regional Commissioner."</p>
The Indian Aircraft Act, 1934 (XXII of 1934).	<p>(2) Sub-section (2) of section 1, and Sections 9, 15 and 16 shall be omitted.</p>

Enactments applied	Modifications and restrictions
The Petroleum Act, 1934 (XXX of 1934).	(1) Omit sub-sections (2) and (8) of section 1. (2) In section 25, omit the words "in the Presidency-towns, by a Presidency Magistrate, and elsewhere". (3) Omit sub-section (3) of section 28 and sub-section (2) of section 29.
The Registration of Foreigners Act, 1939 (XVI of 1939).	Omit the words "after previous publication" in section 3, and the proviso to section 6.
The Indian Census Act, 1939 (XXIV of 1939).	Omit sub-section (2) of section 1.
The Arbitration Act, 1940 (X of 1940).	(1) In section 1 :-- (i) Omit sub-section (2) ; (ii) In sub-section (3), for " 1940 " substitute " 1941 " . (2) In the fourth Schedule :-- (i) Omit the entries relating to the Religious Endowments Act, 1863, the Specific Relief Act, 1877, and the Indian Companies Act, 1913 ; In the Schedule : (i) for article 150, the following shall be substituted namely : - " 150. Under the Arbitration Act, 1940, to set aside an award or to get an award remitted for reconsideration, Thirty days. The date of service of the notice of filing of the award," (ii) for article 170, the following shall be substituted, namely :-- " 170. Under the Arbitration Act, 1940, for the filing in Court of an award, Ninety days. The date of service of the notice of the making of the award."
The Indian Finance Act, 1942 (No. XII of 1942).	(1) Omit sections, 2, 3, 4, 5, 6, 7 and 9, sub-sections (1) and (2) of section 10 and Schedule I.

C. C. DESAI,

Add. Secy. to the Govt. of India,